

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

March 5, 2001

12:15 p.m.

The Council of the City of Roanoke met in regular session on Monday, March 5, 2001, at 12:15, p. m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members W. Alvin Hudson, Jr., William White, Sr., Linda F. Wyatt, William D. Bestpitch, William H. Carder, and Mayor Ralph K. Smith----6.

ABSENT: Council Member C. Nelson Harris-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

CITY ATTORNEY-COUNCIL: A communication from the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel on a matter of pending litigation, pursuant to Section 2.1-344 (A)(7), Code of Virginia (1950), as amended, was before the body.

(For full text, see communication on file in the City Clerk's Office.)

ACTION: Mr. Carder moved that Council concur in the request of the City Attorney to convene in a Closed Meeting to consult with legal counsel on a matter of pending litigation, pursuant to Section 2.1-344 (A)(7), Code of Virginia (1950), as amended. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

COMMITTEES-COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss personnel matters relating to vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended, was before the body.

(For full text, see communication on file in the City Clerk's Office.)

ACTION: Mr. Hudson moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss personnel matters relating to vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

At 12:20 p.m., the Mayor declared the meeting in recess for two Closed Meetings, to be followed by a briefing by the City Manager on proposed changes to the City's Solid Waste Management Program in the Emergency Operations Center Conference Room, Room 159.

At 1:25 p.m., the meeting reconvened in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor Smith presiding, and all Members of the Council in attendance, with the exception of Council Member Harris.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

RECYCLING-REFUSE COLLECTION: The City Manager introduced a briefing with regard to proposed changes in Roanoke's Solid Waste Management Program.

The City Manager introduced a briefing on proposed changes to the City's Solid Waste Management Program.

Robert Bengtson, Director of Public Works, introduced Frank Decker III, Manager, Solid Waste Division, and Susan Grogan, Solid Waste Collection Inspector. He advised that in August, 2000, Council was briefed on three proposed changes in the collection of solid waste throughout the City of Roanoke; the first initiative was the new bulk and brush program which began in October 2000 and has resulted in a much improved appearance along the streets throughout the City of Roanoke and, in the five months that the program has been in effect, 60 per cent more bulk and brush has been collected than during the same five month period a year ago. He stated that the second initiative was to provide recycling service to all Roanoke residents by implementing a pilot program which allows recyclables to be mixed together, also known as co-mingling; comparing the 10,000 households in the pilot program area with the 25,000 households that were already recycling, the pounds of bottles and cans being recycled per household are 26 per cent higher in the pilot program area and the pounds of paper recycled per household are 57 per cent greater in the pilot program area, which can be attributed to not only the broader range of products that can be recycled in the pilot program, but also to the ability to co-mingle recyclable products for collection on a weekly basis. He added that the goal is to extend the co-mingled recycling program to all Roanoke City residents. He advised that the third initiative was to move solid waste management out of a substantial number of alleys and on to the curb side in front of the homes of residents; currently solid waste is collected at the curb in front of 56 per cent of Roanoke's residences, the remaining 44 per cent of collection is from public alleys; it was the original goal to reduce alley trash collected to the extent that it would leave 15 per cent of the alley customers with alley service, however, based on a field review of the areas, the 15 per cent goal has been adjusted upward to 30 per cent.

He explained that every area of the City was checked in the field by solid waste management staff, and evaluations took into consideration the condition of the area and adjoining streets; many of the City's alleys were built in the early part of the 1900's and are a poor fit for the solid waste vehicles of today; and alleys with steep grades, utility poles, trees, and adjacent garage structures cause difficulty in maneuvering for drivers and have resulted in property damage both to trucks as well as to private property. He called attention to a number of alleys that it would be preferable not to use, but because of conditions along the street on the front side of the residences, alley collection must be continued; in some instances, on-street parking makes it difficult, if not impossible, for the one armed bandit trucks to empty the trash containers along the street; and in other circumstances, the topography of yards or the presence of steps and retaining walls also preclude residents from physically rolling the trash containers to the street.

Mr. Benston advised that based upon the proposed program change, it will be possible to reallocate manpower and fleet resources to expand the pilot recycling program to all residents which will involve providing one additional recycling bin to all residents that currently participate in the original recycling program (they would also continue to use the older container they now have); and any resident that does not participate currently will be encouraged to contact the Solid Waste Management department in order to be furnished with two recycling containers. He explained that this would enable the City to eliminate the five recycling trucks currently in its fleet in favor of existing packer trucks that are used in today's alley collection program; and further reallocation of resources will enable the City to provide each resident with all collection services on the same day of the week, including what is referred to as the "white goods truck" which will collect large metal items such as refrigerators. He advised that implementation of the move from the alleys to the curb can be targeted to begin on July 1, 2001, and by that time, two new bandit trucks will have been received, the lease/purchase of which was approved by Council last year.

He stated that over the next several weeks, new collection routes will be finalized, planning will be shared with the Roanoke Neighborhood Partnership's President's Council, as well as neighborhood organizations, in affected areas and each of the affected households will be notified. He advised that it is anticipated that more residents will be added to the City's physically challenged list due to the difficulty in rolling the containers to the curb, which will be monitored closely to determine the need for additional resources for the current program that is provided to over 900 customers. He stated that implementation of the co-mingled recycling program for all residents could begin on July 1, 2001; new collection routes will need to be established, the program publicized and information shared with the neighborhoods, deliver additional recycling bins, notify households that currently participate in the recycling program of the proposed changes, and an educational program is being developed to engage citizens in recycling. He added that by early May, it is anticipated that Council will be provided with information on comments from the neighborhood organizations with whom staff meets regarding the curbside and recycling program changes.

In summary, Mr. Bengston advised that City staff is excited about the opportunities to enhance the service delivery and efficiency of the City's Solid Waste Collection program, thereby completing the re-engineering of solid waste management that was presented to Council in August, 2000.

Following discussion, Ms. Wyatt requested the following information:

What are the total costs in those areas of the City that will receive the new recycling bins, total number of households that are presently practicing recycling, and cost per household?

In order to introduce the recycling program to the remainder of the City, what costs will be incurred relative to vehicular equipment, staff, recycling bins, publicity and an educational program?

What is the percentage of the number of households currently practicing recycling, combined with the percentage of those to be provided with the new recycling bins, and cost per household?

Without objection by Council, the Mayor advised that the briefing would be received and filed.

At 1:55 p.m., the Mayor declared the meeting in recess to be reconvened in the City Council Chamber at 2:00 p.m.

At 2:00 p.m., on Monday, March 5, 2001, the regular meeting of City Council reconvened in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members W. Alvin Hudson, Jr., William White, Sr., Linda F. Wyatt, William D. Bestpitch, William H. Carder, and Mayor Ralph K. Smith----6.

ABSENT: Council Member C. Nelson Harris-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by Dr. Charles G. Fuller, Retired Pastor, First Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

CITY MARKET-PARKS AND RECREATION-COUNCIL-CITY EMPLOYEES-DECEASED PERSONS: The Mayor requested that a moment of silent prayer be observed in memory of Mr. G. Frank Clement, deceased, former Member of Roanoke City Council, and Mr. Jimmie B. Layman, deceased, Clerk, Roanoke City Market, and former Director of the Department of Parks and Recreation.

PRESENTATIONS:

PROCLAMATIONS: The Mayor presented a proclamation declaring the month of March, 2001, as National Nutrition Month in the City of Roanoke.

PUBLIC WORKS-CITY EMPLOYEES-DECEASED PERSONS: Mr. White offered the following Resolution memorializing the late Reed Preston Cotton, Sr.:

(#35221-030501) A RESOLUTION memorializing the late Reed Preston Cotton, Sr., who, for nearly 23 years, served Roanoke's Division of Solid Waste Management and the citizens of the City of Roanoke with honor and distinction.

(For full text of Resolution, see Resolution Book No. 63.)

ACTION: Mr. White moved the adoption of Resolution No. 35221-030501. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

ACTIONS OF ACKNOWLEDGEMENT-POLICE DEPARTMENT: Mr. Carder offered the following Resolution recognizing Keith Patrick Weltens:

(#35222-030501) A RESOLUTION in recognition of the heroic and potentially life-saving action of Mr. Keith Patrick Weltens of Radford.

(For full text of Resolution, see Resolution Book No. 63.)

ACTION: Mr. Carder moved the adoption of Resolution No. 35222-030501. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

The Mayor advised that at approximately 8:00 p.m., on January 16, 2001, Mr. Weltens was driving out of a parking garage located on the corner of Franklin Road and Williamson Road when he noticed a man leaning suspiciously into another car parked in the garage; and sensing that someone may have been in danger, he stopped his vehicle and sounded his horn. He stated that Mr. Weltens' suspicions were well-founded and his action interrupted the perpetration of a violent physical assault against an innocent woman; at the sounding of the horn, the woman was able to escape from her attacker and flee to the safety of Mr. Weltens' vehicle and he immediately drove her to the hospital where she received prompt medical attention. The Mayor advised that Mr. Weltens' actions saved the individual from grave injury or worse, and the prompt reporting of the incident led to an immediate police response and the subsequent arrest of the alleged perpetrator.

On behalf of the citizens of the City of Roanoke and the Members of City Council, the Mayor commended Mr. Weltens on his heroic actions by coming to the aid of his fellow man and presented him with a ceremonial copy of the above referenced resolution and a gold star which is symbolic of the star on Mill Mountain.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, the item would be removed from the Consent Agenda and considered separately. He called specific attention to two communications from the City Manager requesting a Closed Meeting to discuss the disposition of publicly held property, pursuant to Section 2.1-344 (A)(3), Code of Virginia (1950), as amended, and to discuss a prospective business, where no previous announcement of the business's interest in locating its facilities in the City has been made, pursuant to Section 2.1-344 (A)(5), Code of Virginia (1950), as amended.

MINUTES: Minutes of the regular meeting of Council held on Tuesday, February 20, 2001, were before the body.

(For full text, see Minutes on file in the City Clerk's Office.)

ACTION: Mr. White moved that the reading of the Minutes be dispensed with and that the Minutes be approved as recorded. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

CULTURAL SERVICES COMMITTEE-FIFTH PLANNING DISTRICT COMMISSION-HOUSING/AUTHORITY-OATHS OF OFFICE-COMMITTEES: The following reports of qualification were before Council:

Michael Brennan as a member of the Cultural Services Committee for a term ending June 30, 2001;

Darlene L. Burcham as a member of the Roanoke Valley-Allegheny Regional Commission for a term ending June 30, 2003; and

Robert J. Sparrow as a member of the Fair Housing Board for a term ending March 31, 2003.

(See Oaths or Affirmations of Office on file in the City Clerk's Office.)

ACTION: Mr. White moved that the reports of qualification be received and filed. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

PURCHASE/SALE OF PROPERTY-COUNCIL: A report of the City Manager requesting that Council convene in a Closed Meeting to discuss the disposition of publicly held property, pursuant to Section 2.1-344 (A)(3), Code of Virginia (1950), as amended, was before the body.

(For full text, see report on file in the City Clerk's Office.)

ACTION: Mr. White moved that Council concur in the request of the City Manager to convene in a Closed Meeting to discuss the disposition of publicly held property, pursuant to Section 2.1-344 (A)(3), Code of Virginia (1950), as amended. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

ECONOMIC DEVELOPMENT-COUNCIL: A report of the City Manager requesting that Council convene in a Closed Meeting to discuss a prospective business, where no previous announcement of the business's interest in locating its facilities in the City has been made, pursuant to Section 2.1-344 (A)(5), Code of Virginia (1950), as amended, was before the body.

(For full text, see report on file in the City Clerk's Office.)

ACTION: Mr. White moved that Council concur in the request of the City Manager to convene in a Closed Meeting to discuss a prospective business, where no previous announcement of the business's interest in locating its facilities in the City has been made, pursuant to Section 2.1-344 (A)(5), Code of Virginia (1950), as amended. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

REGULAR AGENDA

HEARING OF CITIZENS UPON PUBLIC MATTERS:

ANNUAL REPORTS-ECONOMIC DEVELOPMENT: Phillip F. Sparks, Executive Director, Roanoke Regional Partnership, presented an overview of the Partnership, which is composed of representatives from Roanoke City, Roanoke County, City of Salem, Town of Vinton, and Botetourt, Franklin and Craig Counties. He advised that the Regional Partnership was established in 1983 as the result of a recommendation of an advisory commission which was appointed to look at how best to promote and carry on the business of economic development in the Roanoke Valley. He stated that the Regional Partnership is governed by a Board of Directors made up of an executive committee, a developers committee, a business committee and an advisory

committee; and the mission of the Regional Partnership is to successfully recruit businesses to the area while fostering the expansion of the existing industrial base. He called attention to four primary goals: (1) the attraction of new business, (2) implementation of marketing strategies, (3) economic development advocacy, and (4) local industrial outreach. With regard to the attraction of new businesses, he stated that the Regional Partnership would like to significantly increase the growth of quality jobs and capital investment in the Roanoke Valley region through aggressive new business recruitment, through strategies targeting recruitment efforts, by focusing on bio-tech information technology, electro-optic type companies, second tier automotives, plastics and printing, and enhance the data systems and research capabilities that are currently being used to respond more quickly.

With regard to implementation of marketing strategies, Mr. Sparks advised that the Regional Partnership would like to effectively promote the Roanoke Valley region to enhance its image as a preferred and strategic business location, expand marketing efforts, develop new marketing materials and products with special emphasis on new technologies, and increase the Valley's recognition as a region and a preferred business location. In regard to economic development advocacy, he stated that the Regional Partnership would like to be the regional group where new and innovative ideas can be discussed and the Partnership is currently looking at the identification of infrastructure requirements for the new economy. With reference to local industry outreach, he noted that representatives of the Regional Partnership visit with representatives of various companies to determine their individual needs in the new economy.

Mr. Sparks stated that total funding for the Regional Partnership is \$803,000.00, which is a 60/40 split and when the Regional Partnership was founded, it was intended to be a 50/50 split, however, it has been a number of years since the business community has reached the 50/50 split, and the budget break out is 82 per cent for marketing and 18 per cent for administration. He presented copy of Expansion Management Magazine which contains an article entitled "America's 50 Hottest Cities for Business Relocation and Expansion" which states that according to a survey of 75 of the most prominent site locations in the United States, the City of Roanoke ranks 25th out of 300+ MSA's in the country.

Mr. Sparks advised that last year's budget, which the City of Roanoke helped to formulate, provided 320 business inquiries, 35 prospect visits, and three announcements totaling \$64.5 million. He stated that the Regional Partnership is looking at additional strategies and preparing a budget to address issues of concern.

As a part of his remarks, Ms. Wyatt advised that Mr. Sparks referred to Hollins University, Roanoke College, Virginia Western Community College and Virginia Tech, and inquired as to why Radford University, which has a business school that is considered to be a premier part of the university, was not mentioned; whereupon, Mr. Sparks advised that a Regional Partnership Subcommittee is reviewing the By-laws and he would share Ms. Wyatt's inquiry with the subcommittee.

Without objection by Council, the Mayor advised that the report would be received and filed.

PETITIONS AND COMMUNICATIONS:

BUDGET-COMMONWEALTH'S ATTORNEY: A communication from M. Don Caldwell, Commonwealth's Attorney, requesting transfer of funds in the amount of \$12,997.00, in connection with purchase of replacement computers; and a statement of concurrence by the City Manager, were before Council.

The Mayor advised that the Commonwealth's Attorney had requested that the item be withdrawn from the agenda; whereupon, without objection by Council, the Mayor stated that the communication would be withdrawn.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS:

FLOOD REDUCTION/CONTROL: The City Manager introduced a briefing on the Roanoke River Flood Reduction Project.

Phillip Schirmer, City Engineer, advised that the Roanoke River Flood Reduction Project is a large and complicated project, comprised of over \$40 million of construction, in which the City will participate in the amount of approximately \$15 million. He stated that it is a complicated project, not only from an engineering standpoint and a construction standpoint, but from a right-of-way acquisition standpoint, because there are more than 110 properties that will be involved in acquisition in one form or another. He further stated that the City is in the process of acquiring real estate for the project, it is anticipated that the project will start either in the summer of 2002 or 2003, however, more likely 2003, given the number of property acquisitions, and there will be significant benefits to citizens and property owners through reduction or elimination of flooding from storm events.

John G. Reed, Project Engineer, advised that as a result of the flood of 1985, businesses along the Roanoke River were seriously affected and some never recovered, jobs were lost, over 400 homes and businesses were flooded and damage exceeded \$100 million. He stated that the 1985 flood was the defining moment in Roanoke's flood history, it was the highest flood ever seen on the Roanoke River, although a flood in 1940 came within five feet of the 1985 flood. He advised that there were two floods in the 1970's that were higher than the 1940 flood and reviewed a chart showing that over the last 125 years, the Roanoke River has flowed out of its banks about once every seven years. He stated that because of the long history of flooding on the Roanoke River, the City of Roanoke and the U. S. Army Corps of Engineers have taken steps toward finding the best solutions to address repetitive damages; the initial Corps of Engineers study was completed in the late 1960's; in the 1970's, three flood control reservoirs upstream from Roanoke, two in Montgomery County and one in Roanoke County, were considered; and local opposition, environmental impacts, and high estimated costs killed the reservoir option in 1979.

He stated that another option might have included the purchase and removal of flood prone buildings, but since these properties were valued at over \$1 billion, this option was not economically feasible; the most economical plan identified by the Corps of Engineers was a 16.5 mile channel improvement project through the developed portion of the Roanoke Valley; in the early 1980's, the City of Salem, Roanoke County and the Town of Vinton withdrew from the project, leaving a 9.2 mile project solely within the City of Roanoke; and in 1985, the highest-ever recorded flooding occurred on the Roanoke River, and caused approximately \$114 million of damage within the City of Roanoke.

Mr. Reed noted that in 1989, the citizens of Roanoke passed a bond referendum to support \$7.5 million of the City's share of the project, which at that time was estimated to be \$11.5 million; in 1990, the City signed an agreement with the U. S. Army Corps of Engineers, committing to construct the project; this agreement placed all financial liability for hazardous and toxic waste on the City; because of this potential liability, the City began an extensive environmental assessment of the properties included in the project; in 1998, following completion of environmental testing and Department of Environmental Quality approval, the project was re-evaluated adding in environmental costs and was approved to proceed toward construction; and in the year 2000, preliminary right-of-way plans from the Corps of Engineers were received and property acquisition started; and in 1973, Council appointed a Flood Plain Committee consisting of nine members representing a cross section of community interests, to coordinate with other localities and to provide citizen input into the flood reduction effort.

Mr. Reed reviewed a slide showing the 9.2 miles of the Roanoke River within the City of Roanoke, the project having been broken down into two phases: Phase 1 extending from 13th Street to Wasena Park and Phase 2 extending from Wasena Park to the Salem City limit, including approximately 100 non-City-owned properties to acquire in Phase 1 and 54 in Phase 2.

He stated that the current project includes clearing of brush and dead trees, channel widening has been reduced to three miles on one side of the bank only which is two miles less than the original plan called for; bank stabilization primarily using vegetation, but also some rock riprap; trees and shrubs will be added to reduce the net loss of wooded area to about five miles; one mile of restraining or levee walls, two new low water bridges at Smith Park to provide for safer pedestrian crossings and less frequent flooding of roadway, and canoe passage without having to portage; and a five mile greenway trail from Wasena Park to 13th Street.

Mr. Reed presented a chart depicting historic flooding on the Roanoke River, noting that the Corps of Engineers project was primarily justified by the frequent flooding damages and not by the rare and extreme 100 year flooding that was experienced in 1985. He advised that project benefits include reducing the depth of flooding for over \$1 billion in property values; removing many buildings from the flood plain; as a result of being out of the flood plain, many homeowners and business owners will no longer be required to have relatively expensive flood insurance; hundreds of property owners will be safe guarded from the frequent flooding which has historically occurred along the Roanoke River; and because of the property being acquired and the trail being constructed with this project, at completion, citizens will have one of the longer paved greenway trails in southwest Virginia.

He advised that environmental concerns are the loss of trees and vegetation along the Roanoke River; to offset this, the project will add several thousand trees and shrubs so that the net loss of wooded areas is about five acres; 160 acres of areas regraded by the project will be vegetated with native grasses; rock riprap has been significantly reduced from the original project; and no in-river construction will occur between March and July to allow for spawning of the endangered species, the Roanoke Logperch.

Mr. Reed noted that since the City of Roanoke signed the project agreement with the U. S. Army Corps of Engineers in 1990, estimated cost of the project has increased from \$34 million to \$42 million, primarily due to inflation; to date the City has budgeted \$9 million for the project through the utility tax, of which about \$3.5 million have been spent; since the City still has the \$7.5 million bond, which has not been sold, it is not anticipated that any additional funds will be needed for the project. He advised that Phase 1 will not begin construction until the City has completed the

purchase of all necessary property which is anticipated to be sometime in the year 2002 or 2003; each phase is expected to take about three years to construct, therefore, for Victory Stadium, Biomed areas, which are included in Phase 1, earliest completion would be around 2006; and assuming that property can be acquired on this timetable, total project should be completed around the year 2007.

As a part of the discussion, Mr. Reed advised that City staff does not wish to give unrealistic expectations for the project, which will reduce flooding only on the Roanoke River and will not reduce flooding in downtown Roanoke, Mudlick Creek or any of the other tributaries, except in the immediate vicinity where they come into the Roanoke River. He stated that according to the U. S. Army Corps of Engineers, project benefits exceed the cost and the Corps of Engineers is willing to move forward with the Federally funded portion. He advised that as the water leaves the City of Roanoke and goes into the Town of Vinton and down stream, impacts, according to the Corps of Engineers model, are minimal and do not increase the velocity because it is not a channelization project down the entire length of the Roanoke River. He further advised that navigability of the Roanoke River will be somewhat improved because of the elimination of some of the utility crossings that are impediments, especially when the water is at low levels. He stated that the larger dam at Wasena Park will stay in place and a fordage path will be provided around the dam, there will be additional parking access for persons with canoes, the bottom of the river will not be changed or disturbed, the work will be on the river banks, therefore, with the exception of the low water bridges, there should not be any change between what exists today other than the lowering of two utility crossings.

Without objection by Council, the Mayor advised that the briefing would be received and filed.

ITEMS RECOMMENDED FOR ACTION:

POLICE DEPARTMENT-CITY CODE-NUISANCES-COMMONWEALTH'S ATTORNEY: The City Manager submitted a communication advising that defacement and damage to public and private property through graffiti can have an extremely negative impact on a community; graffiti detracts from the community's image, compromising the sense of security and discouraging both new and continued investment necessary to maintain the neighborhood's vitality; graffiti has also been linked to gang activity and hate crimes, with all related connotations for the community; and Section 21-25 of the City Code prohibits the defacement of public or private property and makes such an action a Class I misdemeanor; however, the Code of Virginia allows the City to make additional provisions, as follows:

- a: Section 15.2-908 gives the City the authority to remove defacement that is visible from a public right-of-way, after notice is given to the property owner and the owner fails to have the defacement removed. This section does not provide for the City to recover its costs.
- b: Under Section 18.2-138.1, the City may provide that if the damage or defacement is done as a first offense, the court may mandate community service by the offender, preferably repairing similar damage, as an alternative to conviction of the offense.

It was further advised that existing provisions of Section 21-25 of the City Code are not effective in addressing graffiti on private property; if the offender is not caught, the City is powerless either to compel the property owner to remove the defacement, or to remove the defacement itself; if the offender is caught and prosecuted, the courts do not have the option of community service related to the offense for the minor first time offender; and additional provisions are needed to provide the City and the courts with additional tools to address a range of situations.

The City Manager recommended that Council amend Section 21-25 of the City Code to authorize the City to remove defacement from private property visible from public right-of-way, if the property owner fails to do so, and authorize community service as an option to the court for first offenders.

(For full text, see report on file in the City Clerk's Office.)

Mr. Bestpitch offered the following emergency ordinance:

(#35223-030501) AN ORDINANCE amending Section 21-25. Damaging or defacing property generally, of Chapter 21 Offenses-Miscellaneous, of the Code of the City of Roanoke (1979), as amended, to specify graffiti as a type of damage and defacement, to provide for community service for offenders, and to provide for authority of the City to remove or repair defacement; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 63.)

ACTION: Mr. Bestpitch moved the adoption of Ordinance No. 35223-030501. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

DIRECTOR OF FINANCE:

DIRECTOR OF FINANCE-AUDITS/FINANCIAL REPORTS: The Director of Finance submitted the Financial Report for the City of Roanoke for the month of January, 2001.

(For full text, see Financial Report on file in the City Clerk's Office.)

ACTION: Following discussion and without objection by Council, the Mayor advised that the Financial Report would be received and filed.

REPORTS OF COMMITTEES:

BUDGET-WATER RESOURCES: Council Member W. Alvin Hudson, Jr., Chair, Bid Committee, presented a written report on behalf of the Committee, in connection with bids received by the City to gunitite the interior of the Crystal Springs Reservoir to repair cracks that have occurred over the last 20 years, and to repair the walls up to the overflow level, with all work confined to the interior of the reservoir.

The Bid Committee recommended that Council accept the bid of and award a lump sum contract to Peters and White Construction Company, in the amount of \$198,283.00 and 90 consecutive calendar days of contract time, with a project contingency of \$18,717.00, and provide \$900.00 for reproduction costs and advertising fees; transfer \$217,900.00 to a new account to be established in the Water Fund Capital Projects entitled, "Gunite of Crystal Springs and Falling Creek Reservoirs"; and reject all other bids received by the City.

A statement of concurrence by the City Manager in the recommendation of the Bid Committee, was also before Council.

(For full text, see report and statement on file in the City Clerk's Office.)

Mr. Hudson offered the following emergency budget ordinance:

(#35224-030501) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Water Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 63.)

ACTION: Mr. Hudson moved the adoption of Ordinance No. 35224-030501. The motion was seconded by Mr. White and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

Mr. Bestpitch offered the following emergency ordinance:

(#35225-030501) AN ORDINANCE accepting the bid of Peters and White Construction Company to gunite the interior of the Crystal Springs Reservoir to repair the walls up to the overflow level, and to also repair leaks in the walls and floor of the clear well (holding tank) at the Falling Creek Reservoir, upon certain terms and conditions and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such work; rejecting all other bids made to the City for the work; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 63.)

ACTION: Mr. Bestpitch moved the adoption of Ordinance No. 35225-030501. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

WATER RESOURCES-STREETS AND ALLEYS-IMAX THEATRE: Council Member Linda F. Wyatt, Chair, Water Resources Committee, presented a written report on behalf of the Committee, with regard to a petition to vacate and close a portion of public street right-of-way across Official Tax No. 4010213, in connection with development of the Art Museum/IMAX Theatre Project.

A staff report advised that an Agreement between the City and the Art Museum of Western Virginia for the design, development and construction of a new building or complex to house the art museum and IMAX Theatre was entered into on October 4, 2000; that the City desires to convey property identified by Official Tax Nos. 4010205, 4010209, 4010212, and 4010213 to the Western Virginia Foundation for the Arts and Sciences at such time as it is needed for construction of the Project; an existing alley is located on Official Tax No. 4010213; and authorization is needed to file a petition to vacate and close the public right-of-way.

The Water Resources Committee recommended that Council authorize the filing of a petition to vacate and close a portion of public street right-of-way across Official Tax No. 4010213, in connection with development of the Art Museum/IMAX Theatre Project.

(For full text, see reports on file in the City Clerk's Office.)

ACTION: Ms. Wyatt moved that Council concur in the recommendation of the Water Resources Committee. The motion was seconded by Mr. Carder and adopted.

BUDGET-EASEMENTS-UTILITIES-WATER RESOURCES: Council Member Linda F. Wyatt, Chair, Water Resources Committee, presented a written report on behalf of the Committee, with regard to acquisition of the necessary utility easement across the property of James D. Fralin, located in Roanoke County, for Carvins Cove improvements.

A staff report advised that an engineering study by Mattern & Craig, Inc., identified certain improvements needed at the Carvins Cove Filter Plant (Phase I) and to various waterlines (Phase II) to meet the increasing need for water in the City of Roanoke; authority to acquire the necessary property rights and execute certain permits and agreements was granted on February 8, 1993, pursuant to Ordinance No. 31339-020893; a temporary construction easement across the property of James D. Fralin, located in Roanoke County, was acquired for a nominal consideration; waterline construction was completed in 1996, and since that time, it has been discovered that the waterline was constructed across a corner of Mr. Fralin's property in the temporary easement area.

It was further advised that negotiations with Mr. Fralin have indicated that the required property rights may be acquired for the sum of \$20,000.00; the appraised value of the easement is \$13,699.00; additional funding of \$3,000.00 is required to cover related expenses such as appraisal, title report, document preparation and recording fees; acquisition of the easement will permit the waterline to remain in its present location; and funding of \$23,000.00 is available from Water Fund Retained Earnings and needs to be appropriated to an account to be established by the Director of Finance entitled, "Carvins Cove Waterline Project Easement Acquisition".

The Water Resources Committee recommended that Council authorize the City Manager to acquire the necessary utility easement across Mr. Fralin's property, for the sum of \$20,000.00, and said property rights are defined as a permanent easement and may be acquired following a satisfactory environmental site inspection by negotiation or eminent domain.

(For full text, see reports on file in the City Clerk's Office.)

Ms. Wyatt offered the following emergency budget ordinance:

(#35226-030501) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Water Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 63.)

ACTION: Ms. Wyatt moved the adoption of Ordinance No. 35226-030501. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

Ms. Wyatt offered the following emergency ordinance:

(#35227-030501) AN ORDINANCE providing for the acquisition of an easement needed by the City for the placement of a waterline across the property of James D. Fralin, in connection with certain improvements made at Carvins Cove; providing for the City's acquisition of such easement by condemnation, under certain circumstances; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 63.)

ACTION: Ms. Wyatt moved the adoption of Ordinance No. 35227-030501. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

WATER RESOURCES-LEASES-REAL ESTATE VALUATION: Council Member Linda F. Wyatt, Chair, Water Resources Committee, presented a written report on behalf of the Committee, with regard to execution of a new lease between the City and Commonwealth Buildings, a Virginia Partnership, for office space for the Office of Real Estate Valuation in the Commonwealth Park Building.

A staff report explained that the Office of Real Estate Valuation has leased 2,453 square feet of additional office space at 110 Campbell Avenue in the Commonwealth Park Building since 1995, which helps to alleviate overcrowding in the Municipal Building office and improves efficiency, productivity, and public service by providing additional public workspace and private areas for discussions with citizens; that the current lease will expire on February 28, 2001, and a new lease has been negotiated to provide for continued use of the space; the lease is for a one-year term commencing on March 1, 2001, and expiring on February 28, 2002, with an option to renew for three additional one-year terms, at a base rent of \$2,516.88 per month, which is \$12.31 per square foot, and includes basic utilities and janitorial service; and the lease also provides that each party will indemnify and hold harmless the other from and against any loss, damage or liability occasioned by or resulting from any willful or negligent act on its part, its agents, employees or invitees.

The Water Resources Committee recommended that Council authorize the City Manager to execute a new lease between the City and Commonwealth Buildings, a Virginia Partnership, for a one-year term, with the option to renew for three additional one-year terms, at the rate of \$2,516.88 per month.

(For full text, see reports on file in the City Clerk's Office.)

Ms. Wyatt offered the following Resolution:

(#35228-030501) A RESOLUTION authorizing the City Manager to enter into an agreement with Commonwealth Buildings for the lease of office space at 110 Campbell Avenue, for use by the Roanoke City Office of Real Estate Valuation, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 63.)

ACTION: Ms. Wyatt moved the adoption of Resolution No. 35228-030501. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

GENERAL DISTRICT COURT-COMMUNITY PLANNING-DECEASED PERSONS-COURTS FACILITY: A report of the City Planning Commission, advising that in October 2000, the City received a request from Dr. J. Hayden Hollingsworth and others to name the Roanoke City Courthouse in honor of the late Judge Beverly T. Fitzpatrick, was before Council.

It was further advised that on December 21, 2001, the Planning Commission discussed the matter with Dr. Hollingsworth and with Mike Pace, President of the Roanoke Bar Association; the Planning Commission deferred action on the matter to allow further discussion of the possibilities by the Bar Association and others; on January 5, 2001, a letter was received from Mr. Pace which advised that the Board of Directors declined to make a more specific recommendation to the Planning Commission and further recommended that the matter be forwarded to City Council and the Judges of the 23rd Judicial Circuit for consideration and action; the Planning Commission again met on January 18, 2001, to discuss the request, and Dr. Hollingsworth advised that he would like to amend his request to ask that the public atrium of the courthouse be named in honor of Judge Fitzpatrick.

The City Planning Commission recommended approval of the request to name the Roanoke City Courthouse Atrium in honor of the late Judge Beverly T. Fitzpatrick, Sr.

(For full text, see report on file in the City Clerk's Office.)

Ms. Wyatt offered the following Resolution:

(#35229-030501) A RESOLUTION naming the Atrium in the Roanoke City Courthouse in honor of the late Honorable Beverly T. Fitzpatrick, Sr., Judge, General District Court for the City of Roanoke.

(For full text of Resolution, see Resolution Book No. 63.)

ACTION: Ms. Wyatt moved the adoption of Resolution No. 35229-030501. The motion was seconded by Mr. Carder.

Dr. J. Hayden Hollingsworth appeared before Council in support of the request, and advised that naming the Courthouse Atrium in honor of Judge Fitzpatrick recognizes not only former Judge Fitzpatrick, but everyone who seeks justice for all, regardless of circumstances, social standing or ethnic background. He stated that Council's endorsement of the request sends a message to all who enter the judicial system that it is a place where they will be judged fairly with hope for the future. He advised that the honor could be executed with a plaque located adjacent to the plaque recognizing those who planned the courthouse; however, a more prominent recognition would be appropriate such as a bust of Judge Fitzpatrick located at the entranceway to the Courthouse, or a painting depicting the court over which he presided. He stated that funding has not been addressed, former Judge Jack B. Coulter has indicated a willingness to assist with implementation of the project, and Dr. Hollingsworth volunteered his service.

Resolution No. 35229-030501 was adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

UNFINISHED BUSINESS: None.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

ZONING: Ordinance No. 35217, on second reading, amending the conditions now binding upon a tract of land lying on the west side of Grandview Avenue, N. W., between Empress Drive and Marr Street, Official Tax No. 2270223, having previously been before the Council for its first reading on Tuesday, February 20, 2001, read and adopted on its first reading and laid over, was again before the body, Mr. White offering the following for its second reading and final adoption:

(#35217-030501) AN ORDINANCE to amend §§36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and Sheet No. 227, Sectional 1976 Zone Map, City of Roanoke, in order to amend certain conditions presently binding upon certain property previously conditionally zoned C-1, Office District.

(For full text of Ordinance, see Ordinance Book No. 63.)

ACTION: Mr. White moved the adoption of Ordinance No. 35217-030501. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

ZONING: Ordinance No. 35218, on second reading, rezoning two tracts of land located at 3034 and 3042 Brambleton Avenue, S. W., Official Tax Nos. 1650903 and 1650946, from RS-3, Residential Single Family District, to C-2, General Commercial District, subject to certain proffers contained in the Second Amended Petition, filed in the City Clerk's Office on January 17, 2001, having previously been before the Council for its first reading on Tuesday, February 20, 2001, read and adopted on its first reading and laid over, was again before the body, Mr. Hudson offering the following for its second reading and final adoption:

(#35218-030501) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 165, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant.

(For full text of Ordinance, see Ordinance Book No. 63.)

ACTION: Mr. Hudson moved the adoption of Ordinance No. 35218-030501. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

ZONING: Ordinance No. 35219, on second reading, rezoning property located at 2109 and 2115 Peters Creek Road, N. W., described as Official Tax Nos. 6370302, 6370304 and 6370301, from RS-3, Residential Single Family District, to C-2, General Commercial District subject to certain proffers contained in the First Amended Petition filed in the City Clerk's Office on February 20, 2001, having previously been before the Council for its first reading on Tuesday, February 20, 2001, read and adopted on its first reading and laid over, was again before the body, Mr. Hudson offering the following for its second reading and final adoption:

(#35219-030501) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 637, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant.

(For full text of Ordinance, see Ordinance Book No. 63.)

ACTION: Mr. Hudson moved the adoption of Ordinance No. 35219-030501. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Carder, and Mayor Smith-----5.

NAYS: Council Member Bestpitch-----1.

(Council Member Harris was absent.)

POLICE DEPARTMENT-EASEMENTS-CITY PROPERTY-UTILITIES: Ordinance No. 35220, on second reading, authorizing the donation and conveyance of a 15 foot easement across City owned property located at 348 Campbell Avenue, S. W., to Verizon for installation of underground facilities, to upgrade the telephone service for the new Police Building, upon certain terms and conditions, as more particularly set forth in a report of the Water Resources Committee dated February 5, 2001, having previously been before the Council for its first reading on Tuesday, February 20, 2001, read and adopted on its first reading and laid over, was again before the body, Mr. Hudson offering the following for its second reading and final adoption:

(#35220-030501) AN ORDINANCE authorizing the donation and conveyance of a 15' easement across City owned property located at 348 Campbell Avenue, S. W., to Verizon, for installation of underground facilities, upon certain terms and conditions.

(For full text of Ordinance, see Ordinance Book No. 63.)

ACTION: Mr. Hudson moved the adoption of Ordinance No. 35220-030501. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

OTHER HEARING OF CITIZENS UPON PUBLIC MATTERS: None.

At 4:10 p.m., the Mayor declared the meeting in recess.

At 5:35 p.m., the meeting reconvened in the Council Chamber, with Mayor Smith presiding, and all Members of the Council in attendance, with the exception of Council Members Harris, Hudson and White. (Council Members Hudson and White left the meeting during the Closed Session.)

ACTION: COUNCIL: With respect to the Closed Meeting just concluded, Mr. Carder moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, and Mayor Smith-----4.

NAYS: None-----0.

(Council Members Harris, Hudson and White were absent.)

At 5:37 p.m., the Mayor advised that the meeting of Roanoke City Council would be declared in recess until Saturday, March 10, 2001, at 8:30 a.m., at The Hotel Roanoke, 110 Shenandoah Avenue, N. W., at which time Council will participate in a Budget Financial Planning Session.

The meeting of Roanoke City Council reconvened at 8:30 a.m., on Saturday, March 10, 2001, in Shenandoah Room A at The Hotel Roanoke, 110 Shenandoah Avenue, N. W., with Mayor Ralph K. Smith presiding.

PRESENT: Council Members W. Alvin Hudson, Jr., William White, Sr., Linda F. Wyatt, William D. Bestpitch, William H. Carder and Mayor Ralph K. Smith-----6.

ABSENT: Council Member C. Nelson Harris, Jr.-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

OTHERS PRESENT: James D. Ritchie, Sr., Deputy City Manager; Robert H. Bird, Municipal Auditor; Troy Harmon, Assistant Municipal Auditor; Willard N. Claytor, Director of Real Estate Valuation; George C. Snead, Jr., Assistant City Manager for Community Development; Jessee A. Hall, Deputy Director of Finance; Ann Shawver, Manager of Accounting Services; Barry L. Key, Director of Management and Budget; Sherman M. Stovall, Budget/Management Analyst; Frank Baratta, Grants Monitor; Philip C. Schirmer, City Engineer; and Alicia Stone, Financial Systems Accountant.

(No motions or measures were introduced.)

(See Financial Planning Workshop Notebook dated March 10, 2001, on file in the City Clerk's Office.)

At 1:55 p.m., Council Member White left the meeting.

There being no further business, the Mayor declared the meeting adjourned at 2:50 p.m.

A P P R O V E D

ATTEST:

**Mary F. Parker
City Clerk**

**Ralph K. Smith
Mayor**
